

#23188

PATENT
Customer No. 22,852
Attorney Docket No. 4121.0003-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
SORGE et al.) Group Art Unit: 1637
Application No.: 08/529,767)
Filed: September 18, 1995)
For: NOVEL POLYMERASE)
COMPOSITIONS AND USES)
THEREOF)
Examiner: J. Fredman
ATTN: Michael Woodward
Crystal Mall 1 - 7th Floor

TECH CENTER 1600
RECEIVED
MAY 23 2003
U.S. PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached form and the following information. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b). To the undersigned's knowledge, there is no current Final Office Action, Notice of Allowance, or action that otherwise closes prosecution.¹ Under the

¹ A Final Office Action was mailed February 24, 1997. The Supplemental Amendment that was filed December 10, 1997, confirms a telephone discussion in which Examiner Campbell stated that the finality of that Office Action was being withdrawn and that the application was in condition for allowance. Subsequent to December 10, 1997, no written communications in this case have been received from the United States Patent and Trademark Office ("USPTO"). The Third Supplemental Amendment that was filed January 28, 2003, reports a telephone call with Examiner Fredman, in which Examiner Fredman noted that claim 9 had depended from a canceled claim. In the Third Supplemental Amendment, claim 9 was canceled without prejudice or disclaimer.

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provisions of 37 C.F.R. § 1.97(c), please charge the fee of \$180.00, as specified by Section 1.17(p), to Deposit Account No. 06-0916.

Copies of the listed documents are attached. Those documents have been received from the USPTO and relate to reexamination of parent U.S. Patent No. 5,556,772. One of those documents is a copy of the Notice of Reexamination Request Filing Date. The Notice of Reexamination Request Filing Date was referred to in the Information Disclosure Statement (IDS) filed in this case on May 27, 2003, but was inadvertently omitted from the form filed with that IDS. One of those documents is a copy of the Order Granting/Denying Request for Ex Parte Reexamination. One of those documents is a copy of the Decision Returning Improper Paper. The Decision Returning Improper Paper refers to a paper filed by facsimile in the PTO on June 10, 2003, titled Request for Additional Decision. Debra Stevenson, Manager in the Department of Docketing at Finnegan, Henderson, Farabow, Garrett & Dunner, informed the undersigned that Finnegan, Henderson, Farabow, Garrett & Dunner does not have a record of receiving the paper titled Request for Additional Decision.

Applicants respectfully request that the Examiner consider the listed documents and information discussed in this Information Disclosure Statement and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law,

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Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 26, 2003

By:


M. Paul Barker
Reg. No. 32,013

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